

Notice of Allowability

Application No.

10/787,336

Examiner

Lars A Olson

Applicant(s)

BIERBOWER, WILLIAM JOHN

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 26 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06142004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1-24 are allowed.
2. The following is an examiner's statement of reasons for allowance. The watersport tower as claimed is not shown or suggested in the prior art because of the use of a watersport tower that is comprised of a first leg with a first end providing a cross-member attachment point and a second end providing a boat attachment point, a second leg with a first end providing a cross-member attachment point and a second end providing a boat attachment point, a cross-member with at least two attachment points, a third leg with an end that provides a boat attachment point and is linked to said cross-member, a fourth leg with an end that provides a boat attachment point and is linked to said cross-member, and a tow constraint that is linked to said cross-member, where said cross-member attachment point of said first leg is hingedly connected to a first attachment point of said cross-member, said cross-member attachment point of said second leg is hingedly connected to a second attachment point of said cross-member, said first leg pivots about said hinged connection to said first attachment point in order to swing toward and away from said second leg, and said second leg pivots about said hinged connection to said second attachment point in order to swing toward and away from said first leg. The prior art also does not show or suggest the use of a watersport tower that is comprised of a plurality of coupled legs that each have a boat attachment point, a tow constraint that is coupled to said plurality of legs, a first set of mounting bases that are each coupled to one of said boat attachment points and each

include at least one mounting hole, and a first set of pads, where each of said pads abuts a mounting base of said first set of mounting bases and includes at least one mounting hole that is in registry with said at least one mounting hole of a mounting base, and each of said first set of pads includes a recessed portion that surrounds said at least one mounting hole on a side of said pad opposite a mounting base. The prior art also does not show or suggest the use of a method of folding a wakeboard tower with a pair of front legs and a pair of rear legs, said method being comprised of the steps of rotating said wakeboard tower about a point of attachment of said pair of rear legs to a boat until said wakeboard tower comes to a rest in a reclined position, and rotating said two front legs of said wakeboard tower inward until one front leg crosses over the other front leg and comes to rest. The prior art also does not show or suggest the use of a method for packaging components of a watersport tower having a cross-member with a tow lug and a plurality of curved legs, said method being comprised of the steps of positioning said plurality of curved legs side by side in order for the curvature of said legs to be substantially concentric, and for an innermost curved leg to define a central empty region, and positioning said plurality of curved legs in a stacked configuration with said cross-member in order for said tow lug of said cross-member to extend into said central empty region.

3. The prior art as disclosed by Larson et al. (US 6,192,819, US 6,044,788 and US 5,979,350) shows the use of a watersport tower that is comprised of first, second, third and fourth legs that are each connected to a cross-member at one end, and connect with a boat attachment point at another end, where said cross-member is linked

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to a tow constraint. King et al. (US 5,520,139) discloses a boat canopy with first, second, third and fourth legs that each connect to a cross-member at one end, and connect with a boat attachment point at another end. However, none of the prior art cited shows or suggests the use of a watersport tower that is comprised of a first leg with a first end providing a cross-member attachment point and a second end providing a boat attachment point, a second leg with a first end providing a cross-member attachment point and a second end providing a boat attachment point, a cross-member with at least two attachment points, a third leg with an end that provides a boat attachment point and is linked to said cross-member, a fourth leg with an end that provides a boat attachment point and is linked to said cross-member, and a tow constraint that is linked to said cross-member, where said cross-member attachment point of said first leg is hingedly connected to a first attachment point of said cross-member, said cross-member attachment point of said second leg is hingedly connected to a second attachment point of said cross-member, said first leg pivots about said hinged connection to said first attachment point in order to swing toward and away from said second leg, and said second leg pivots about said hinged connection to said second attachment point in order to swing toward and away from said first leg. The prior art also does not show or suggest the use of a watersport tower that is comprised of a plurality of coupled legs that each have a boat attachment point, a tow constraint that is coupled to said plurality of legs, a first set of mounting bases that are each coupled to one of said boat attachment points and each include at least one mounting hole, and a first set of pads, where each of said pads abuts a mounting base of said first

set of mounting bases and includes at least one mounting hole that is in registry with said at least one mounting hole of a mounting base, and each of said first set of pads includes a recessed portion that surrounds said at least one mounting hole on a side of said pad opposite a mounting base. The prior art also does not show or suggest the use of a method of folding a wakeboard tower with a pair of front legs and a pair of rear legs, said method being comprised of the steps of rotating said wakeboard tower about a point of attachment of said pair of rear legs to a boat until said wakeboard tower comes to a rest in a reclined position, and rotating said two front legs of said wakeboard tower inward until one front leg crosses over the other front leg and comes to rest. The prior art also does not show or suggest the use of a method for packaging components of a watersport tower having a cross-member with a tow lug and a plurality of curved legs, said method being comprised of the steps of positioning said plurality of curved legs side by side in order for the curvature of said legs to be substantially concentric, and for an innermost curved leg to define a central empty region, and positioning said plurality of curved legs in a stacked configuration with said cross-member in order for said tow lug of said cross-member to extend into said central empty region.

Conclusion

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

November 16, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
11/16/04